



# United States Department of the Interior



FISH AND WILDLIFE SERVICE  
Ventura Fish and Wildlife Office  
2493 Portola Road, Suite B  
Ventura, California 93003

IN REPLY REFER TO:  
81440-2011-CPA-0074

February 23, 2011

Dan Pfeifer, Wastewater Utility Manager  
City of Ventura  
Ventura Water Reclamation Facility  
P.O. Box 99  
Ventura, California 93002-0099

Subject: Santa Clara River Estuary Subwatershed Study, City of Ventura, Ventura County,  
California

Dear Mr. Pfeifer:

This letter provides our preliminary comments on the City of Ventura's (City) Estuary Subwatershed Study (Subwatershed study). The Subwatershed study was required by the Los Angeles Regional Water Quality Control Board (Water Board), as one of three special studies intended to assist in the determination of whether or not discharge from the Ventura Water Reclamation Facility (VWRF) provides an enhancement to the Santa Clara River Estuary as defined in the Enclosed Bays and Estuaries Policy. The Santa Clara River estuary supports habitat for the federally endangered tidewater goby (*Eucyclogobius newberryi*), California least tern (*Sterna antillarum browni*), and the federally threatened western snowy plover (*Charadrius alexandrinus nivosus*).

We received notification via electronic mail (email) that the Subwatershed study was made available on your website on February 9, 2011. On February 10, 2011 we attended the stakeholder meeting held at the VWRF to discuss the study. At the conclusion of the meeting, you requested written comments by February 21, 2011 (a review period of 7 working days) in order to allow the City time to incorporate comments and submit the Subwatershed study to the Water Board by March 6, 2011. In an email to you on February 15, 2011, I requested an extension through March 31, 2011, to review and provide comments on the Subwatershed study, which you indicated you would forward to the Water Board to justify an extension. During a phone conversation between you and Jenny Marek of our staff on February 18, 2011, you granted an extension until February 23, 2011, to submit comments. The following comments do not represent a full review of the Subwatershed study, and we reiterate our request of an extension of the comment period through March 31, 2011. Furthermore, because the minutes that were taken during the February 10, 2011, stakeholder meeting were not made available by the City until February 22, 2011, we were not able to review them in time to ensure our questions and comments were captured accurately. Therefore, we will reiterate our most pressing questions and comments in this letter.



The U.S. Fish and Wildlife Service's (Service) responsibilities include administering the Endangered Species Act of 1973, as amended (Act), including sections 7, 9, and 10. Section 9 of the Act and its implementing regulations prohibits the taking of any federally listed endangered or threatened species. Section 3(19) of the Act defines take to mean to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. Service regulations (50 CFR 17.3) define harm to include significant habitat modification or degradation which actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering. Harassment is defined by the Service as an intentional or negligent action that creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering. The Act provides for civil and criminal penalties for the unlawful taking of listed species. Exemptions to the prohibitions against take may be obtained through coordination with the Service in two ways: through interagency consultations for projects with Federal involvement pursuant to section 7 of the Act or through the issuance of an incidental take permit under section 10(a)(1)(B) of the Act.

As discussed during the February 10, 2010, stakeholder meeting, we believe there is significant uncertainty associated with the model that was used to project the extent of habitat for federally listed species under the three VWRF discharge scenarios of 5 million gallons per day (MGD), 3.5 MGD, and 0 MGD. The model projected that the extent of habitat for tidewater gobies and foraging habitat for California least terns would change very little between these three discharge scenarios. The summary chart shown in Table 11-3 of the Subwatershed study portrays absolutely no difference in tidewater goby or California least tern habitat between the three scenarios. We are concerned that the habitat projections that resulted from a model with such great inherent uncertainty will be taken as fact and used to discount the impact of the VWRF discharge on the tidewater goby and California least tern habitat at the Santa Clara River estuary. We recommend incorporating a more clear discussion of uncertainty in the sections that describe the results of habitat projections. We also recommend including error bars in Figures 11-2 through 11-5 that would visually convey the entire range of habitat extent projected by the model.

Because of the inherent uncertainty of the models used to project changes in habitat that would result from reduced VWRF discharges, we recommend a phased implementation approach that monitors changes to the estuary that result from incrementally reducing fresh water input. For example, if it is decided that the VWRF may discharge at a rate that would result in a 3.5 MGD input of freshwater into the estuary, we recommend that this decrease is implemented gradually, at a rate that is determined sufficient to observe the new equilibrium state of the Santa Clara River estuary system. We also recommend that flexibility is retained to halt the decrease if adverse effects to federally listed species are apparent during the gradual decrease in freshwater input into the estuary.

During the February 10, 2010, stakeholder meeting the Service requested additional information as to how the three special studies (i.e., Subwatershed study, Treatment Wetlands Feasibility Study and Recycled Water Market Study) would be integrated. Having not received any clear

answer, it is our impression that the three individual studies will be submitted to the Water Board as independent documents, and no further analysis will be voluntarily conducted. We feel that the City is missing an opportunity to truly evaluate the question of enhancement by not consolidating and analyzing the results of all three studies.

We would like to see an analysis of discharge and nutrient loading scenarios that build from the results of the two other interrelated studies (i.e., Treatment Wetlands Feasibility Study and Recycled Water Market Study). For example, the Treatment Wetlands Feasibility Study identified various locations where wetlands could be sited, and the Recycled Water Market Study developed a range of projections for recycled water demand. We recommend that the City build “alternative” scenarios that combine the most viable wetland options and the most viable recycled water demand projections, and evaluate the potential enhancement resulting from the implementation of these combinations.

We did not have an opportunity to review the discussion of climate change that was presented in the Subwatershed study, but will reiterate the comments that we provided at the February 10, 2011, meeting, based on the presentation at that meeting. We are pleased that climate change was considered in the subwatershed study, but are concerned with the use of median projections for climate warming scenarios. At the February 10, 2011, meeting we expressed the concern that global temperature increases have exceeded even the most extreme scenarios developed by the Intergovernmental Panel on Climate Change, and questioned whether the use of a median projection was appropriate for the purposes of the Subwatershed study.

We are happy to discuss these comments with you in more detail, and look forward to the opportunity to fully review the subwatershed study. If you have any questions concerning this letter, please contact Jenny Marek of our staff at (805) 644-1766, extension 325.

Sincerely,

/s/: Chris Dellith, for

Jeff Phillips  
Deputy Assistant Field Supervisor

cc:

Stan C. Glowaki, National Marine Fisheries Service  
Dan Blankenship, California Department of Fish and Game  
Michael Lyons, Los Angeles Regional Water Quality Control Board